

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	RM-10867
Rules Governing the Amateur Radio Service to)	
Implement Changes to Article 25 of the)	
International Radio Regulation Adopted at the)	
2003 WRC Meeting.)	

Via the ECFS

Comments of Charles L. Young, Extra Class AG4YO, and ARRL Member

Introduction and Apology

Regretfully, as an ARRL Member, I must register my disapproval for the petition filed with the Commission (assigned RM-10867) allegedly on my behalf by the American Radio Relay League. The Commission should understand that although I am extremely concerned by the actions of the ARRL leading up to and culminating in their submission of this petition, I am mindful of the purpose the League plays in supporting Amateurs in the US.

This petition has stirred up much emotion in the Amateur community, mainly because whether we support the retention of telegraphy testing or not, we all agree that this

proposal is basically so ill conceived that it was obviously written in a vacuum. In addition, subsequent action by the League to disallow formal member input has irked many members.

Many have reacted by threatening to cancel their ARRL Membership. I believe this action would be wrong. Members must work to regain control of the League from those who would remain aloof above the will of the membership. To a certain degree, I must air “dirty laundry” before the Commission. I apologize for this necessity in advance, but the ARRL Leadership has offered no constructive alternative.

I must strongly object to RM- 10867 filed by the ARRL for the following reasons:

- A. The Petition does not represent the views of a majority of ARRL Members
- B. The Petition does nothing to attract “the youth of our country”.
- C. The Petition calls for the Unnecessary Creation of a New License Class.
- D. The petition calls for the unnecessary removal of Telegraphy testing for General Class
- E. The ARRL has failed to make adequate retention efforts.
- F. Combination of Technician and General Class Licensees is not a prudent or fair action.

Additional Sections:

- G. Conclusions
- H. Summary of Suggested Actions

A. The Petition Does Not represent the Views of a Majority of ARRL Members.

1. The Commission should be aware that the ARRL Leadership cannot demonstrate that RM-10867 represents the views of its membership. The ARRL Executive Committee authored the petition and it was approved by the District Directors without any organized effort to poll the entire league membership. Most of the Directors did not conduct even informal polls, while others made only a token effort. Results from the few polls that were taken on a local basis show that the membership had different ideas about what the ARRL should do than what you see today in their proposal.

2. Furthermore, by the effort to suppress a membership polling process and since the ARRL had already written the petition by the time any members were even informally asked their opinion, the main desire of the ARRL appears to be to prevent members from contradicting their predetermined position. Several members contacted the ARRL after the vote of the Board of Directors was announced and asking that the petition not be submitted until the membership had the opportunity to react. The ARRL's answer was to quickly and surreptitiously file the petition and blame the FCC for forcing them to act in this manner. A League official went so far as to tell me that they were out of time, that the FCC wanted it filed immediately.

3. When coming before the Commission as the ARRL, there is some expectation that the League represents the views of the largest block of US Amateurs. Please be advised that in this case, the assumption is incorrect and cannot be proven by the League. Until the

ARRL adequately polls its membership on this issue, their petition should represent no more than the views of the few individual Amateurs who wrote it. As a member of the ARRL and on behalf of the majority of members who were not allowed to express an official opinion, I ask that RM-10867 be dismissed where it purports to represent the wishes of League membership.

B. The Petition Does nothing to Attract the “youth of our country.”

4. Where the petitioners sought to make changes in the Amateur licensing structure (decided in 98-143) related to the ability of Amateur Radio to attract younger applicants, it must be noted that the suggestions offered by the ARRL have failed. This is exacerbated by the fact that the ARRL is back before the Commission with a new petition that so obviously neglects “the youth of our country”.

5. Where “the youth of our country” are concerned, the Commission should require that the ARRL provide an explanation of how their plan would address this important concern. Surely their track record shows the League does not have an effective picture of how to maintain a healthy and active Amateur service, and less of an idea about what the “youth of our country” want. Sadly, the ARRL cannot even identify what age group they are referring to with the “youth” label.

6. Research by the Cellular Telephone industry, an industry that caters particularly to younger users, indicates that young people ages 16-30 want digital services such as internet access, full motion video, and MP3 (music) downloads.

7. Additionally, in a keynote speech delivered at Wellesley College April 2, 2002 **Anthony G. Wilhelm, Ph.D.** Senior Director of the Benton Foundation said of the Youth of our Country, “Email, IM and chat groups are incredibly popular among teens-as are downloading music files and increasingly buying products online. Among 18 and 19-year-olds, 91% use email and 83% use instant messaging, with over half (56%) of older teens saying they prefer the Internet to the telephone. With the advent of high-speed broadband, always-on Internet services and next-generation wireless tools, these numbers-and the time youth spend online (increasingly through mobile technologies) will in all likelihood increase.” Since the comment was made in 2002 referring to a study of these “18 and 19-year-olds” from material collected in 1999, the subjects referred to would now be 23-24 year olds.

8. Likewise research by other organizations (easily found on the internet today) suggests that Dr. Wilhelm is still on target and his comments representative of the desires of 18-19 year olds today as well. It should be noted that the 18-19 year olds of today were 13-14 year olds in 1999 which gives a total range of ages 13-24 for his comments. Thus, a simple internet search in 2002 (and since) could have yielded much information for the ARRL about what the “youth of our country” want. This one example from Dr. Wilhelm could have been a neon sign for the League especially where he says, “With the

advent of high-speed broadband, always-on Internet services and next-generation wireless tools, these numbers-and the time youth spend online (increasingly through mobile technologies) will in all likelihood increase”, that their old fashioned attitudes toward attracting youth with HF access was incorrect.

9. It was well within the power of the ARRL to sponsor, through its affiliated clubs and organizations, an organized effort to provide “youth of our country” with systems and activities on frequencies already available to the no code Technician License. These technologies require spectrum for bandwidth incompatible with present allocations on HF frequencies and readily available to the codeless Technician Class within their allocation today. Therefore it should be abundantly clear that a plan which offers telegraphy testing relief to obtain access to HF frequencies does nothing to address attracting “the youth of our country”.

10. The inescapable fact is that all efforts by the ARRL to attract younger amateurs by proposing a relaxing of licensing requirements have failed and the logical conclusion is that giving away more HF access is not the answer. For the ARRL, the answer lies in making a serious effort to discover what younger applicants want and implement new systems in areas where legal bandwidth is available today. It is also clear that the “dead end” referred to by the ARRL in the Technician License Class has a sign with the ARRL logo on it. For these reasons, the ARRL petition (RM-10867) should be dismissed as incomplete for failure to address the needs of the “youth of our country.

C. Unnecessary Creation of a New Entry Class

11. The creation of a new “Novice” entry class license is burdensome and unnecessary. The Commission already stated in 98-143 that it had not wished to change the name of any current operator class because such changes would result in considerable work modifying databases, issuing new licenses, etc.

12. Additionally, the Commission was satisfied in 98-143 that the Technician License Class served as a good entry-level license for Amateur Radio. The ARRL in its petition has not shown reason why this logic has changed. In fact, the only real point the ARRL makes against it is that the Technician Class license offered little opportunity to experience other facets of Amateur Radio or experience worldwide communications.

13. Clearly the action that best meets the FCC requirement to limit additional work and the ARRL desire to let entry level Amateurs experience worldwide communications is to simply give the HF privileges as outlined for the proposed “Novice” class to existing Technicians. This also fulfills the ARRL’s goal not to reduce the operating privileges of any license class.

14. The unmentioned benefit to the Commission by keeping the Technician Class as the entry-level license with the additional HF privileges, is that both current Technicians and new applicants would operate in the same band segments. This would allow the

Commission to easily monitor the success or failure of the plan, and make enforcement efforts easier. Making clear and measurable changes has always been the goal of the FCC. By lumping Technicians in with the General Class, a clear ability to monitor their progress would be lost.

15. It is clear that the most expeditious, the least burdensome, the most measurable, and the most fair decision would be to deny the ARRL request for the new Novice entry level license and make the appropriate changes to the operating privileges of Technician Class operators to allow HF access (as the ARRL plan proposed for Novice).

D. Unnecessary Removal of Telegraphy Testing for General and Extra Classes

16. Clearly when the Commission ruled not to automatically sunset the telegraphy testing requirement based on the WRC decision, it intended to make up its own mind on this issue. In fact, nothing in the WRC prohibits the retention of telegraphy testing, nor is there any directed mandate to do so. As of this date, only 16 countries have removed telegraphy requirements as reported by the No Code International (NCI) website.

17. In making the decision to keep or remove telegraphy testing without a mandate from the WRC, the Commission is free to consider many factors including the feelings and desires of Radio Amateurs. In 98-143, the Commission stated that **increased** Morse Code proficiency is not necessarily indicative of that individual's ability to contribute to

the advancement of the radio art.” This statement was interpreted by no code advocates as an indication that the Commission was advocating total removal of code testing, when it is clear the Commission was speaking of “increased” testing for speeds above 5WPM.

18. Even if the FCC were to feel that telegraphy testing was not necessary, in the absence of a WRC mandate, the Commission would be prudent to examine who or what is harmed by allowing testing to remain. This should be weighed against the obviously large number of existing Amateurs that want CW testing to remain in place once no code access to HF is given to an entry level. Surely the public interest that must be served by any rule changes must also include the interest of licensees in the service today, including those that support retention of Element 1.

19. Once no code access to HF is given to the entry-level license class there can be no further objections to telegraphy testing as an impediment to entry into the service. At this point other arguments about telegraphy being outdated and not used in emergency communications become more celestial. In fact, the ARRL in its petition calls for the retention of telegraphy testing for Extra Class Amateurs using logic that can easily apply to General Class.

20. As previously suggested, HF access without telegraphy testing alone will not solve the problem. If giving away HF access to the General license class applicants without telegraphy testing as now suggested by the ARRL does not work, then what? The ARRL must identify the “what” and make attempts to enact plans and policies to make a better

effort to attract younger applicants before the hobby is irreparably changed for all existing licensees. If other petitioners want telegraphy testing removed, they bear the burden of proof to show cause. They should also be required to show who is harmed by telegraphy testing retention for the General license class and specifically in the event of an entry level license existing without code testing.

21. I agree with the ARRL position that telegraphy testing should not be the only consideration to the Commission and surely agree that telegraphy testing should be retained for Extra Class licensees. It would be ludicrous to make an argument that retaining CW testing for Extra in some way harms new applicants. By allowing no code access to HF for Technician Class Amateurs, the Commission removes a lion-share of the pressure to act now.

E. Failure to Make Adequate Retention Efforts

22. In 2003, I conducted my own unscientific poll to find out why Amateurs were leaving the hobby. In my community there are over 100 Radio Amateurs yet less than 5 are active. For the survey, I called 50 of the inactive Amateurs chosen at random and asked them why they were not active. The top two reasons were "not enough time" (35%), and "I never figured out what to do with my license" (50%). The remaining 15% "lost interest". Of the 35% who said "not enough time", 95% were under age 45. The ARRL

President himself said in a recent post on QRZ.COM that over 15% of those passing the test never even get on the air.

23. However unscientific, my conclusion is that there are “easy” save numbers to be maintained in the Amateur ranks by making honest retention efforts such as repeater activities, orientation for new licensees and implementation of data oriented systems on frequencies available to Technician Class licensees now (where the bandwidth is allowed). At the least, the admission by the ARRL President illustrates that there is a boost in the number of active Amateurs available by simply helping new licensees get on the air. Armed with this knowledge, why has the ARRL failed to act in the matter? It may be hard to believe, but presently there is not even a League sponsored orientation class for new Amateurs when many if not most examiners are League members.

24. The ARRL sanctions Amateur Radio Clubs around the country. They could easily have enacted initiatives to have more activities on local repeaters, and to develop local 6 Meter allocations. Presently, the ARRL conducts private marketing research that provides information to them on age groups, and reasons for getting into and out of the hobby. Even though ARRL leadership is unwilling to share this with the ARRL members, I know enough from individual conversations with League Officials that their data does not support the contention in their petition that HF access is the key to “the youth of today”.

25. It should be clear to the Commission that the ARRL has not done an adequate job of implementing the spirit of 98-143. The League is quick to boast that the last substantial increase in the number of new radio amateurs occurred at the time of the creation of the Technician Class license without a Morse telegraphy requirement, yet admits later in their petition that the Technician Class was allowed to become a “dead end”. The ARRL seems to be admitting that they squandered the opportunity to grow the service without the rule changes requested in their current petition by simple retention efforts.

26. Now the League is asking the Commission to combine Technician Class and General Class Licensees. The implication is that this will be the magic retention tool for Technicians. If the Commission were to accept this logic, the addition of HF privileges to the current Technician Class would accomplish the same task. Even this gift from the FCC does not release the League from the responsibility to make honest retention efforts beyond giving away privileges.

27. Once Technicians have HF privileges in lieu of the proposed “Novice” class, and with the lack of a track record from the League, we think it fair that the Commission not accept suggestions for giving away more access to HF, deleting telegraphy testing, or making written tests easier, until the League demonstrates that they have made an honest effort at using other more conventional retention practices.

F. Combination Of Technician Class and General Class Licensees Not a Prudent or Fair Action

28. The ARRL proposes to upgrade all Technician Licenses to General Class by maintaining that the written test taken by Technicians is the same as Element 3 when in fact it is not. The Study Guide published by the ARRL for Technician is almost 50 pages less than the guide for General. The Technician test pool contains no questions on calculation of peak and average power, operating agreements with other countries, band allocations for General licensees, power requirements for General Class stations, and other areas important to lawful operation.

29. The League's proposal also gives upgraded Technicians CW privileges in General band segments. This infusion of untrained operators will neither serve to promote the mode, nor will it constitute fair treatment of General licensees who had to pass Element 1 as a minimum qualification. Even if I were to agree with the removal of telegraphy testing for General Class applicants, I would suggest that Element 1 be retained for the promoted Technicians before they were allowed telegraphy privileges in General band segments. I do agree that they should be allowed to operate CW in any Novice band segment that may exist for practice and development of skills.

30. Although many people (including myself) wish to retain telegraphy testing for General Class applicants, the largest single objection to the ARRL proposal by Amateurs is the capricious upgrade of Technicians to General Class. Removal of this one issue

would garner a huge amount of support for the League's petition and is one of the points that the ARRL refused to consider before filing their petition. I am sure General Class operators will reflect this point in comment to RM-10867. To their credit, there are many Technician Class licensees who do not approve of this part of the proposal. Many want HF privileges but not at the expense of other licensees.

31. The Commission should also be aware that in conversations with two separate League Officials, I was told that the Commission mandated three license classes in 98-143 and that the FCC would not tolerate loss of privilege if Technicians were merely made "Novices" under the ARRL plan. These two statements become totally false when examining the ARRL petition. In reality, "loss of privilege" concerns have always been an ARRL concern, not an FCC concern. This is but another example of the direct effort to mislead ARRL members and to blame the FCC for not being able to compromise with League members on the petition's provisions.

G. Conclusion

32. RM-10867 as filed by the ARRL should be dismissed because it does not represent the views of ARRL members, it fails to adequately provide a solution to what "the youth of our country" might want from Amateur Radio, it calls for the unnecessary creation of a new license class, and its provisions are unfair to General Class operators. Additionally, the ARRL has done a poor job of implementing the spirit of 98-143 and attempts to put the blame for this on the Commission in their petition.

33. Once HF access is given to an entry level license class (hopefully to include current Technician Class licensees), opponents of telegraphy testing bear the burden of proof to show who is injured and how they are injured by retaining Element 1 for General and Extra License Classes. Clearly, the current arguments against telegraphy testing are satisfied by removing it for the entry-level license class. The existence of a no code HF access entry class license would make it difficult for telegraphy testing opponents to show how a new applicant is hurt by telegraphy testing retention for General or Extra classes.

34. In the March 2004 issue of CQ magazine, page 4, the ARRL Chief Executive Officer is quoted as saying that the League (with its petition) is “trying to recapture the magic of the old Novice license, but in a manner appropriate for the 21st century.” I actually showed this quote to several executives that I know in the marketing and advertising business. Apparently, their marketing research had shown that “younger people” (under 30) had a very negative response to being called a “novice”. What this indicates is that the League is asking the Commission to solve 21st Century problems with a 20th Century solution. They look back to the imagined “glory days” fondly remembered by some Amateurs when the Novice license was somehow “magical”. Magical or not, this thought process explains why the ARRL does not know what the “youth of our country” want, and why they have not adequately put programs in place to retain current licensees.

35. The ARRL petition (RM -10867) seeks to ask the FCC to help fix the dwindling number of new and younger amateurs being drawn to the service by throwing HF spectrum at them and the further diminishing of telegraphy testing. It is commonly known that younger people want digital services, video, MP3 downloads, and mobile internet applications. It should be very clear that the League's solution will not accomplish the needed goal of attracting "the younger generation" just as the simple removal of all telegraphy testing as proposed by NCI will also miss the mark. The desired modes are not supported by current HF band plans.

36. Where the Commission is inclined to grant no code access for the existing Technician class or entry class licensees under whatever name, there are other petitions that offer more solid solutions. As stated before, retention of Technician as the entry level license and adding HF privileges is a simple solution, as would be combining Technicians into the new Novice class if the FCC were so inclined. The added benefit of having all no code licensees in the same band segment for monitoring and enforcement is obvious.

37. Finally, I apologize again for the need to portray the ARRL and its leadership in a somewhat negative light. The League does represent Amateurs well in many other areas and is our voice in all but this matter. Why the League would bypass an opportunity to ascertain the will of its membership for the purpose of filing a petition that is the nostalgic idea of a hand full of league officers is beyond me. But the Commission should simply know that they did file RM-10867 and cannot demonstrate that it is the will of its

members. For these reasons, I respectfully ask that RM-10867 be **dismissed and/or denied**.

D. Summary of Suggested Action

- 1.) Please dismiss or deny RM-10807.
- 2.) Keep “Technician Class” as the entry level license.
- 3.) Grant HF access to Technicians as outlined for “Novice” in the ARRL Plan.
- 4.) Keep Technician as a no-code license class.
- 5.) Keep the no code license classes (Technician and new applicants) in the same band segments for enforcement ease.
- 6.) Retain Telegraphy Testing for General and Extra Classes and require future petitions for removal to bear the burden of proof to demonstrate harm to licensees.
- 7.) Suggest that the ARRL identify “the youth of our country” and use existing spectrum to develop plans to offer modes that would be of interest to them.
- 8.) Suggest that the ARRL should initiate orientation classes for new amateurs as a preemptive retention effort.
- 9.) Do not accept any additional restructuring petitions from the League until #6 and #7 are well in progress with measurable results.

Respectfully,

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Electronically Signed this day, the 23rd of April, 2004. (CY)